

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-20 are pending in this application. Claims 1, 5, 6, 10, 11, 16 and 17, which are independent, have been amended. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(a)

Claims 1-3, 5-7, 10-14 and 16-19 were rejected under 35 U.S.C. §102(a) as allegedly anticipated by U.S. Patent No. 5,765,126 to Tsutsui et al.

Independent claim 1, as amended, recites, *inter alia*:

“...coding means for embedding the second information into the first information and producing coded data so that decoding the coded data is performed by utilizing an energy distribution possessed by the first information.” (emphasis added)

U.S. Patent No. 5,765,126 to Tsutsui et al. relates to a signal encoding apparatus for encoding an acoustic signal.

It is respectfully submitted that the cited portions of U.S. Patent No. 5,765,126 to Tsutsui et al. (hereinafter, merely “Tsutsui”), as applied by the Examiner, do not disclose the

above-identified features of claim 1. Specifically, Tsutsui fails to disclose embedding the second information into the first information, as recited in amended independent claim 1. Therefore,

Applicants respectfully submit that independent claim 1 is patentable.

Amended independent claims 6, 10, 11, 16 and 17 recite similar features and are believed patentable for similar reasons.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 4, 9, 15 and 20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,765,126 to Tsutsui et al. in view of U.S. Patent No. 6,192,138 to Yamadaji.

Claims 4, 9, 15 and 20 depend on independent claims 1, 6, 11 and 17, respectively. Therefore, Applicants submit that claims 4, 9, 15 and 20 are patentable.

IV. DEPENDENT CLAIMS

Claims 2, 3, 7, 8, 12-14 and 18-19, which are dependent from one of the independent claims discussed above, are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

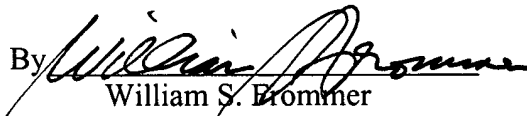
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
William S. Frommer
Reg. No. 25,506
(212) 588-0800